

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JUAN CARLOS LEMUS,
Plaintiff,
v.
E. SULLIVAN, et al.,
Defendants.

Case No. 11-cv-01099-JST (PR)

**ORDER DISMISSING UNSERVED
DEFENDANTS**

Plaintiff, a state prisoner proceeding pro se, filed a second amended civil rights complaint pursuant to 42 U.S.C. § 1983. On October 23, 2013, the Court advised plaintiff that two of the defendants, B. Dixon and Dr. J. Lee, remained unserved and that it was plaintiff's responsibility to provide the information necessary to locate them. The Court directed plaintiff to provide sufficient information to effectuate service within thirty days, or face dismissal of defendants B. Dixon and Dr. J. Lee. See Fed. R. Civ. P. 4(m). More than thirty days have passed, and plaintiff has not provided any information regarding the location of these defendants, nor has he demonstrated "good cause" for such failure. See Walker v. Sumner, 14 F.3d 1415, 1421-22 (9th Cir. 1994).

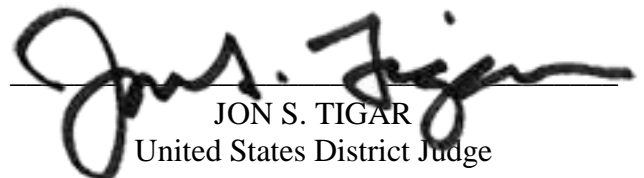
Accordingly, defendants B. Dixon and Dr. J. Lee are DISMISSED without prejudice. The Clerk shall terminate them as defendants on the docket in this action.

Further, as noted in the Court's August 6, 2013 order of service, plaintiff's claims against defendant M. Cate have already been dismissed. Accordingly, the Clerk is further directed to terminate M. Cate as a defendant on the docket in this action.

Nothing in this order disturbs the schedule for the remaining defendants' summary judgment motion.

IT IS SO ORDERED.

Dated: December 8, 2013


JON S. TIGAR
United States District Judge